

DENISE VOIGT CRAWFORD
SECURITIES COMMISSIONER

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DEPUTY SECURITIES COMMISSIONER

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Texas State Securities Board

208 E. 10th Street, 5th Floor
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MEMBER

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MEMBER

SSB Docket No. 03-027

IN THE MATTER OF
THE AGENT REGISTRATION OF
ROBERT KURTIS MAUSS

§
§
§

Order No. CDO/REV-1518

TO: Robert Kurtis Mauss (CRD #1054321)
11442 N. I.H.-35, Suite 255
Austin, Texas 78753

CEASE AND DESIST AND REVOCATION ORDER

Be it remembered that Robert Kurtis Mauss ("Respondent") appeared before the Securities Commissioner of the State of Texas ("Securities Commissioner") and consented to the entry of this Order, the Findings of Fact and Conclusions of Law contained herein.

FINDINGS OF FACT

1. Respondent has waived (a) Respondent's rights to notice and a hearing in this matter; (b) Respondent's rights to appear and present evidence in this matter; (c) Respondent's right to appeal this Order; and (d) all other procedural rights granted to Respondent by The Securities Act, TEX. REV. CIV. STAT. ANN. art. 581-1 et seq. (Vernon 1964 & Supp. 2003) ("Texas Securities Act"), and the Administrative Procedure Act, TEX. GOV'T CODE ANN. § 2001.001 et seq. (Vernon Supp. 2003) ("Administrative Procedure Act").
2. Respondent has been registered with the Securities Commissioner as an agent of Ameritas Investment Corporation from August 5, 1996, through March 10, 1999, and from September 3, 1999, through the date of the entry of this Order.

On or about June 10, 2003, Ameritas Investment Corporation filed a Form U-5 with the Securities Commissioner. This Form U-5 provided notice that Respondent was no longer employed by or otherwise affiliated with Ameritas Investment Corporation as of June 10, 2003.

3. Pursuant to Sections 101.2(c) and 133.33(a)(4) of the Rules and Regulations of the Texas State Securities Board ("Board Rules"), the Form U-4 is required to be filed in connection with applications for agent registration with the Securities Commissioner and the Form U-4 has the same force and effect as a Board Rule. Respondent filed a Form U-4 with the Securities Commissioner on or about September 3, 1999 (the "Original Form U-4"), and later amended this Form U-4 by filing additional Forms U-4 on September 9, 1999, August 24, 2001, and October 1, 2002 (the "Amended Forms U-4").
4. During or about 1998 and 1999, Respondent sold investments in Medium Term Notes to approximately fifteen Texas residents for a collective purchase price of approximately \$1,400,000.00. The monies used to purchase Medium Term Notes were reportedly to be used in global bank financing and trading and all investors therewith were promised a fixed return on the investment on or before the end of a fixed term. The Medium Term Notes were not products sponsored by Ameritas Investment Corporation.
5. The Original Form U-4 and the Amended Forms U-4 required Respondent to disclose all employment and outside business activity. Respondent did not, however, disclose any outside business or employment that related in any way to his sale of Medium Term Notes. Respondent also did not update the information provided within the Original Form U-4 or the Amended Forms U-4 to reflect this outside business or employment.
6. From during or about 1997 through during or about April, 2003, Respondent sold fractionalized viatical and senior settlement contracts to Texas residents. Respondent sold these fractionalized viatical and senior settlement contracts on behalf of Accelerated Benefits Corporation and ABC Viaticals, Inc. Respondent did not sell these fractionalized viatical and senior settlement contracts on behalf of or through Ameritas Investment Corporation.

Respondent received commissions from Accelerated Benefits Corporation and ABC Viaticals, Inc., for his sale of fractionalized viatical and senior settlement contracts. These commissions were valued from approximately six percent to approximately twenty percent of the purchase price of each fractionalized viatical and senior settlement contract thereby sold.

7. The Original Form U-4 and the Amended Forms U-4 required Respondent to disclose all employment and outside business activity. Respondent did not, however, disclose any outside business or employment with either Accelerated Benefits Corporation or ABC Viaticals, Inc., on either the Original Form U-4 or on the Amended Forms U-4 and Respondent did not update the information provided therein by filing a subsequent Form U-4 to reflect this outside business or employment.
8. On or about February 17, 1999, Ameritas Investment Corporation directed Respondent to cease and desist any and all involvement with viatical settlement

contracts or companies that purchase viatical settlement contracts. Respondent received this notice yet continued to sell fractional viatical and senior settlement contracts on behalf of Accelerated Benefits Corporation and ABC Viaticals, Inc.

9. On or about January 30, 2001, and April 5, 2002, Respondent submitted Outside Business Activities Questionnaires to Ameritas Investment Corporation. The Outside Business Activities Questionnaires required Respondent to disclose all activities for which compensation was earned away from Ameritas Investment Corporation. Respondent failed to disclose his sales of fractional viatical and senior settlement contracts on behalf of Accelerated Benefits Corporation and ABC Viaticals, Inc., and his receipt of commissions therefrom within these Outside Business Activities Questionnaires.
10. During or about 2000, Respondent solicited and sold promissory notes to approximately sixteen Texas residents. Respondent promised to pay each such investor their original principal with interest on or before the expiration of a fixed term. Respondent ultimately used the funds received from these Texas residents to facilitate an investment in a speculative high-risk online investment program. Respondent did not provide these Texas residents with any information that identified his financial history or evidenced his ability to effectuate all payments that came due and owing pursuant to the promissory notes.
11. During and about March, 2001, the United States Department of the Treasury, Internal Revenue Service, filed a Notice of Federal Tax Lien in Travis County, Texas, that provided notice of a lien in favor of the United States on all property and rights to property belonging to Respondent for unpaid taxes and any additional penalties, interest and costs that may accrue.
12. The Original and Amended Forms U-4 required Respondent to disclose any and all unsatisfied liens against Respondent. Respondent did not disclose the Notice of Federal Tax Lien in any Amended Forms U-4 filed after March, 2001, and Respondent did not update the information provided within the Original and Amended Forms U-4 by filing a subsequent Form U-4 that reflected the Notice of Federal Tax Lien.
13. During or about October, 2001, Respondent filed a petition for Chapter 13 bankruptcy in the United States Bankruptcy Court, Western District of Texas, Austin Division. Respondent is currently the subject of a monthly payment plan that was instated pursuant to this bankruptcy proceeding. All of those individuals who purchased the aforementioned promissory notes from Respondent during 2000 are reflected as creditors pursuant to this bankruptcy and are scheduled to receive payments on their promissory notes pursuant to the monthly payment plan.
14. The Original and Amended Forms U-4 required Respondent to disclose all filings of bankruptcy petitions that occurred within ten years of the date each such Form U-4 was filed. Respondent did not disclose the filing of the petition for Chapter 13 bankruptcy in any of the Amended Forms U-4 filed after October, 2001, and

Respondent did not update the information provided within the Original and Amended Forms U-4 by filing a subsequent Form U-4 that reflected the filing of the bankruptcy petition.

15. The fractional viatical settlement contracts and senior settlement contracts sold by Respondent on behalf of Accelerated Benefits Corporation and ABC Viaticals, Inc., the Medium Term Notes and the promissory notes described herein have not been registered by qualification, notification or coordination and no permit has been granted for their sale within the State of Texas.

CONCLUSIONS OF LAW

1. The fractional viatical settlement contracts and senior settlement contracts sold by Respondent on behalf of Accelerated Benefits Corporation and ABC Viaticals, Inc., are investment contracts and are, therefore, "securities" as that term is defined in Section 4.A of the Texas Securities Act.
2. The Medium Term Notes are notes and evidences of indebtedness and are, therefore, securities as that term is defined in Section 4.A of the Texas Securities Act.
3. The promissory notes described herein are notes and evidences of indebtedness and are, therefore, securities as that term is defined in Section 4.A of the Texas Securities Act.
4. Respondent engaged in the offer for sale and sale of the aforementioned securities in Texas as the terms "offer for sale" and "sale" are defined in Section 4.E of the Texas Securities Act.
5. Respondent violated Section 7 of the Texas Securities Act by engaging in the offer for sale and sale of the aforementioned securities in Texas without the securities being registered with the Securities Commissioner.
6. Respondent acted as an agent of dealers in Medium Term Notes and viatical and senior settlement contracts as the terms "agent" and "dealers" are defined in Sections 4.D and 4.C of the Texas Securities Act.
7. Respondent violated Section 12 of the Texas Securities Act by acting as an agent of dealers in Medium Term Notes and viatical and senior settlement contracts without being registered as an agent of such dealers pursuant to the provisions of Section 12 of the Texas Securities Act.
8. Respondent acted as a dealer in the promissory notes described herein as the term "dealer" is defined in Section 4.C of the Texas Securities Act.

9. Respondent violated Section 12 of the Texas Securities Act by acting as a dealer in securities without being registered as a dealer pursuant to the provisions of Section 12 of the Texas Securities Act.
10. Respondent's failure to disclose or update his outside business or employment with Accelerated Benefits Corporation or ABC Viaticals, Inc., on Respondent's Form U-4 constitutes a violation of Section 115.9(a)(6) of the Board Rules.
11. Respondent's failure to disclose his affiliation with Accelerated Benefits Corporation or ABC Viaticals, Inc., on the Outside Business Activities Questionnaire submitted to Ameritas Investment Corporation on or about January 30, 2001, constitutes a fraudulent business practice and an inequitable practice in the sale of a security.
12. Respondent's failure to disclose his affiliation with Accelerated Benefits Corporation or ABC Viaticals, Inc., on the Outside Business Activities Questionnaire submitted to Ameritas Investment Corporation on or about April 5, 2002, constitutes a fraudulent business practice and an inequitable practice in the sale of a security.
13. Respondent's failure to update Respondent's Form U-4 to reflect the filing of the Notice of Federal Tax Lien constitutes a violation of Section 115.9(a)(6) of the Board Rules.
14. Respondent's failure to update Respondent's Form U-4 to reflect the filing of the petition for Chapter 13 bankruptcy constitutes a violation of Sections 115.9(a)(6) and 115.9(a)(7) of the Board Rules.
15. The foregoing violations of the Texas Securities Act and the Board Rules, fraudulent business practices and inequitable practices in the sale of securities constitute bases for the issuance of an order revoking the registration of an agent pursuant to Sections 14.A(6) and 14.A(3) of the Texas Securities Act.
16. The foregoing violations of the Texas Securities Act constitute bases for the issuance of a Cease and Desist Order pursuant to Section 23 of the Texas Securities Act.

ORDER

1. It is therefore ORDERED that Robert Kurtis Mauss' registration with the Securities Commissioner as an agent of Ameritas Investment Corporation is hereby REVOKED.
2. It is further ORDERED that Robert Kurtis Mauss immediately CEASE AND DESIST from acting as a securities dealer or agent in Texas until Robert Kurtis Mauss is registered with the Securities Commissioner or an available exemption is utilized.

3. It is further ORDERED that Robert Kurtis Mauss immediately CEASE AND DESIST from offering for sale or selling securities in Texas until the securities have been registered with the Securities Commissioner or an available exemption is utilized.
4. It is further ORDERED that Robert Kurtis Mauss immediately CEASE AND DESIST from offering for sale or selling securities in Texas through the use of an offer containing a statement that is materially misleading or otherwise likely to deceive the public.

SIGNED AND ENTERED by the Securities Commissioner this 12th day of

June, 2003.


Denise Voigt Crawford

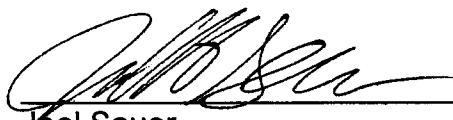
DENISE VOIGT CRAWFORD
Securities Commissioner

Respondent:


Robert Kurtis Mauss

Approved as to Form:

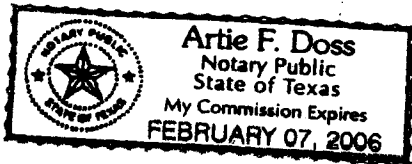

David Grauer
Director
Enforcement Division


Joel Sauer
Assistant Director
Inspections and Compliance Division

ACKNOWLEDGMENT

On the 11 day of June, 2003, Robert Kurtis Mauss ("Respondent") personally appeared before me, executed the foregoing Order, and acknowledged that:

1. Respondent has read the foregoing Order;
2. Respondent has been fully advised of his rights under the Texas Securities Act and the Administrative Procedure Act;
3. Respondent knowingly and voluntarily consents to the entry of the foregoing Order and the Findings of Fact and Conclusions of Law contained therein; and
4. Respondent, by consenting to the entry of the foregoing Order, has knowingly and voluntarily waived his rights as set forth therein.



[affix notary seal here]

Artie F. Doss
Notary Public in and for
the State of Texas

My commission expires on: 2-7-06